

II. REMARKS

A. Status of the Claims

Claims 38, 54 and 63 have been amended without prejudice or admission to recite “a subtherapeutically effective amount of a COX-2 inhibitor.” Support for this amendment can be found, e.g., on page 7, lines 3-8, of the application as filed, and on page 7, lines 17-20, of the provisional application (U.S. Serial No. 60/059,195) (“... the invention allows for the use of lower doses of the opioid analgesic, the COX-2 inhibitor, or both than would normally be required when either drug is used alone...”).

Claims 58 and 59 have been amended to recite “sustained release particles.” Support for this amendment can be found, e.g., on page 24, line 25, to page 26, line 4, of the application as filed and on page 18, line 24, to page 20, line 19, of the provisional application.

Claims 47, 51-52, 64, 70, 74, and 75 have been cancelled without prejudice or admission.

Claim 53 has been amend to correct the dependencies, to account for the cancellation of claim 47, 51 and 52.

It is respectfully submitted that no new matter has been introduced by virtue of this amendment.

Claims 38, 48-50, 53-63, 65-73, and 76 are pending and are encompassed by the elected invention, including the elected species.

B. Substance of Interview

In accordance with the provisions of 37 CFR § 1.133, Applicants herein make of record the substance of the telephonic interview conducted on October 25, 2011, between the undersigned attorney and Primary Examiner Christopher M. Gross.

During the interview, the amendments made in the present response were discussed.


It was indicated that these amendments are likely to place the application in condition for allowance.

Applicants thank Primary Examiner Gross for his suggestions, and respectfully request that this Substance of Interview be made of record.

III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Oleg Ioselevich
Reg. No. 56,963

DAVIDSON, DAVIDSON & KAPPEL, LLC
Patents, Trademarks and Copyrights
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940